

**REMARKS**

Claims 1, 3-36, and 38-41 are currently pending in this application.

Response to Claim Rejections

Claim 1

Claim 1 is directed to an absorbent garment for personal wear about the wearer's waist. The absorbent garment comprises:

an absorbent assembly constructed to take in and retain body exudates released by the wearer, the absorbent assembly having an inner surface adapted for contiguous relationship with the wearer's body, an outer surface, a front waist region, a back waist region, a crotch region extending longitudinally between and interconnecting the front waist region and the back waist region, a front waist end and a back waist end;

a garment shell configured for encircling the wearer's waist, said garment shell having a front waist region, a front waist end at said front waist region, a back waist region, and a back waist end at said back waist region, the absorbent assembly being disposed generally within the garment shell, and

a waist belt configured for wear about the wearer's waist, the absorbent assembly being releasably and refastenably attached to the waist belt generally at the front and back waist regions of the absorbent assembly, the garment shell being releasably and refastenably attached to the waist belt generally at the front and back waist regions of said garment shell whereby the front waist region of the garment shell is in

opposed relationship with the front waist region of the absorbent assembly and the back waist region of the garment shell is in opposed relationship with the back waist region of the absorbent assembly.

Claim 1 is submitted to be nonobvious in view of and patentable over the references of record, and in particular U.S. Patent No. 6,115,847 (Rosch et al.) in view of U.S. Patent Application Publication No. 2002/0087137 (Christoffel et al.) and U.S. Statutory Invention Registration No. H1440 (New et al.), in that whether considered alone or in combination the references fail to show or suggest an absorbent garment in which an absorbent assembly and a garment shell are each releasably and refastenably attached to a waist belt.

Rosch et al., with reference to Figs. 1 and 2 thereof, disclose an active wear garment 10 comprised of a pant structure 12 and a skirt cover 14. The skirt cover 14 has a front panel 15 (Fig. 1) secured to a back panel 21 (Fig. 2). The front panel 15 has a waist region 31, and the back panel 21 has a waist region 33. The pant structure 12 includes a front waist band region 20, and a back waist band region 22 (Fig. 2). The pant structure 12 and the skirt cover 14 are permanently joined at the waist of the garment 10. See column 5, lines 42-45 (wherein the pant structure and skirt cover are described as being bonded together by adhesives or other bonding methods). See also column 1, lines 53-56 in which Rosch et al. teach that the waist band regions 20, 22 of the pant structure 12 are non-refastenably joined to the waist regions 31, 33 of the skirt

cover 14. See also column 14, lines 38-43, column 15, lines 2-7, claim 1, claim 6, and the abstract.

In Fig. 4, Rosch et al. disclose a garment 110 of a second embodiment having a trunk (e.g., shorts-type) cover 114 instead of the skirt cover 14 shown in Figs. 1 and 2. The trunk cover 114 can be formed with an integrated pant structure 112 or used by itself (i.e., without a pant structure). When the pant structure 112 is combined with the trunk cover 114, the pant structure and the trunk cover are joined at the waist. See column 12, lines 42-46. More specifically, waist regions 131, 133 of the trunk cover 114 are non-refastenably engaged to front and back waist band regions 120, 122 of the pant structure. See column 16, lines 14-20 and lines 50-57.

Rosch et al. appears to be relied on in the Office action solely for the purpose of teaching a trunk garment worn over an absorbent pant structure. The teachings of Rosch et al. are limited, however, to the trunk garment and pants being permanently secured together or being entirely independent of each other (i.e., having no connection therebetween whatsoever). Accordingly, as recognized in the Office action at page 3, last line of the first paragraph and first line of the last paragraph, Rosch et al. fail to disclose or suggest a waist belt having an absorbent assembly releasably and refastenably attached thereto nor do they disclose or suggest a garment shell releasably and refastenably attached to a waist belt as recited in claim 1.

With respect to the claim 1 recitation of the absorbent assembly being releasably and refastenably attached to the

waist belt, the Office action relies on New et al., which discloses a two-piece absorbent garment 10 having a disposable assembly 14 and a belt 12 for supporting the disposable assembly on a wearer. The belt 12 is made from receiving material (e.g., loop material) and includes patches 18 of hook material for engaging the receiving material. This allows the belts to be worn by wearers of various sizes and allows the belt to be repeatedly secured about the wearers waist. The disposable assembly 14 includes a front waist margin 32 and a rear waist margin 34. Patches 18 of hook material (or adhesive) are located in both the front and rear waist margins 32, 34 for allowing the belt 12 to be attached to the absorbent assembly 14. The belt 12 holds the absorbent assembly 14 on the wearer. Nowhere do New et al. disclose that any other garment can be secured to the belt besides the absorbent assembly.

Assuming for the sake of argument that New et al. would motivate one skilled in the art to releasably and refastenably attach the pant structure of Rosch et al. to the waist region of the trunk garment thereof, such a configuration would still fail to teach or suggest releasably and refastenably attaching the trunk garment (and hence a garment shell as recited in claim 1) to a waist belt. Rather, as is recognized in the Office action, the elastic strands and trunk garment are integrally formed in the embodiment taught by Rosch et al.

To this end, the Office action relies on Christoffel et al. Christoffel et al. disclose a one-piece, disposable swimsuit for girls. That is, the entire swimsuit is intended

to be used once and then discarded. Thus, as in Rosch et al., the various components of the article (in this instance the swimsuit) are not constructed or even intended to be separated from each other. Rather, in each embodiment illustrated and described in Christoffel et al. the swimsuit 20 comprises a chassis 22 that is permanently (i.e., non-refastenably) secured to a bodice 42 to form the one-piece swimsuit. Respectfully, the Office action appears to be mixing different embodiments of Christoffel, i.e., the embodiment characterized in the Office action cannot be found in Christoffel et al.

In particular, the Office action relies on paragraphs [0071-0074] of Christoffel et al. See page 3, second paragraph of the Office action. Paragraph [0071] discloses the embodiment shown in Figs. 18 and 19 of Christoffel et al. In that embodiment, the bodice 42 and chassis 22 are made from a single piece coverstock with a neck opening and two leg openings. See lines 5-8 of paragraph [0071]. A refastenable fastening system 92 is applied to the front region 28 of the chassis 22 so that the bodice can be releasably engaged to the chassis at the front region.

This teaching is contrary to the Office action's characterization for a couple of reasons. First, the bodice 42 in this embodiment is not absorbent. It is the same single-piece coverstock from which the bodice is constructed. Therefore, in this embodiment the bodice is not releasably attached to an absorbent pant. Second, the bodice is not releasably attached to the chassis at the front **and rear** waist areas. Rather, Christoffel et al. is pretty clear that the

only fastening occurs, at the front waist region. This is because Christoffel et al. teaches the bodice being integral with the chassis at the back region, i.e., it is from a single piece coverstock. There is no suggestion for it being a two-piece system. Thus, at best this embodiment teaches releasably fastening a garment shell to itself, not to a separate waist belt as recited in claim 1. One skilled in the art would not be motivated by this embodiment to separate the elastic elements from the trunk garment of Rosch et al. and then releasably and refastenably attach them together at front and back waist regions of the trunk. Rather, based on Rosch et al. one would be motivated to provide the trunk garment of Rosch et al. with a bodice portion that extends over the wearer's shoulders and attaches to the front of the trunk garment, not to a separate waist belt and not at both the front and back of the garment.

Paragraphs [0072-0074] describe the embodiments of Figs. 20 and 21 in which the chassis 22 is a pant-like absorbent product 98 (relied on in the Office action) and is attached to the bodice 42. Paragraph [0074] teaches that such an attachment between the absorbent product and the bodice may be by adhesive bonding, thermal bonding or ultrasonic bonding. Clearly none of these bonding techniques yields a releasable and refastenable securement.

In Fig. 20 the bodice covers only the front upper torso and is tied by a suitable string around the wearer's upper torso. In Fig. 20 the bodice covers the front and back upper torso and has a neck opening 48 defined by straps 72.

Fasteners 92 secure the straps together at the shoulders of the wearer (not at the front and back waist of the wearer and clearly not to the absorbent product 98 used as the chassis 22).

Thus, the embodiments of Figs. 20 and 21 clearly fail to provide any suggestion for releasably and refastenably attaching the bodice to the chassis, let alone to a separate waist belt. Rather, one skilled in the art would be, at best, motivated by Christoffel et al. to provide the trunk garment of Rosch et al. with a bodice that fastens at the shoulders of the wearer, or around the upper torso of the wearer, to hold the trunk garment on the wearer.

Accordingly, Christoffel et al. fail to provide any motivation or suggestion for separating the waist elastic and the trunk garment of Rosch et al. and releasably and refastenably attaching them together at the front and back waist regions of the trunk garment.

Since none of the cited references teach or suggest a waist belt and a garment shell that encircles the wearer's waist and is releasably and refastenably attached to the waist belt at the front and back waist regions of the garment shell, a combination of the references also fails to teach or suggest such a feature.

For these reasons, claim 1 is submitted to be nonobvious in view of and patentable over the references of record.

Claims 3-34 depend directly or indirectly from claim 1 and are submitted to be patentable over the references of record for the same reasons as claim 1.

Claim 36

Claim 36 is directed to a method for placing an absorbent garment on a wearer's waist. The method comprises:

extending a waist belt about the wearer's waist such that an overlapping end portion of the belt overlaps an underlying portion of the belt;

releasably attaching the overlapping end portion of the belt to the underlying portion of said belt to secure the belt on the wearer's waist;

releasably and refastenably attaching an absorbent assembly to said waist belt, the absorbent assembly being constructed to take in and retain body exudates released by the wearer, the absorbent assembly having an outer surface and an inner surface adapted for contiguous relationship with the wearer's body, said absorbent assembly further having a front waist region, a back waist region, a crotch region extending longitudinally between and interconnecting the front waist region and the back waist region, a front waist end at said front waist region and a back waist end at said back waist region; and

releasably and refastenably attaching a garment shell to the waist belt, the absorbent assembly being configured for being disposed within the garment shell, said garment shell having a front waist region adapted for generally opposed relationship with the front waist region of the absorbent assembly and a back waist region adapted for generally opposed

relationship with the back waist region of the absorbent assembly.

Claim 36 is submitted to be nonobvious in view of and patentable over the references of record, and in particular Rosch et al. in view of Christoffel et al. and New et al., for substantially the same reasons as set forth above with respect to claim 1. That is, whether considered alone or in combination the references fail to show or suggest a method of placing an absorbent garment on a wearer's waist including releasably and refastenably attaching an absorbent assembly to the waist belt, and releasably and refastenably attaching a garment shell to the waist belt as recited in claim 36.

Claims 38-41 depend from claim 36 and are submitted to be patentable over the references of record for the same reasons as claim 36.

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K-C 17,515B

**CONCLUSION**

In view of the foregoing, favorable consideration and allowance of claims 1, 3-36, and 38-41 is respectively requested.

Respectfully submitted,

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